

RECEIVED CLERK  
**FILED**  
2004 AUG 26 P 9:07

Brent O. Hatch (5715)  
Mark F. James (5295)  
HATCH, JAMES & DODGE  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 363-6363  
Facsimile: (801) 363-6666

U.S. DISTRICT COURT  
DISTRICT OF UTAH

Robert Silver (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER  
333 Main Street  
Armonk, New York 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300

Stephen N. Zack (admitted pro hac vice)  
Mark J. Heise (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
Bank of America Tower -- Suite 2800  
100 Southeast Second Street  
Miami, Florida 33131  
Telephone: (305) 539-8400  
Facsimile: (305) 539-1307

*Attorneys for The SCO Group, Inc.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

THE SCO GROUP, INC.

Plaintiff/Counterclaim-  
Defendant,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-  
Plaintiff.

**EX PARTE MOTION FOR LEAVE  
TO FILE OVER-LENGTH  
MEMORANDUM**

**Civil No. 2:03CV0294 DAK**

**Honorable Dale A. Kimball**

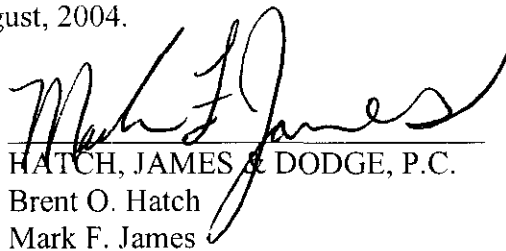
**Magistrate Judge Brooke Wells**

263

Plaintiff/Counterclaim-Defendant The SCO Group ("SCO") hereby moves the Court pursuant to District Court Rule 7-1(e) for leave to file an overlength Reply Memorandum in Support of Plaintiff/Counterclaim-Defendant SCO's Renewed Motion to Compel.

As SCO must address multiple issues and must explain and place many issues in context for the Court, SCO respectfully requests leave to file an over-length memorandum. The argument section of SCO's Reply Memorandum is approximately 16 pages in length. SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully address the issues.

DATED this 26th day of August, 2004.



HATCH, JAMES & DODGE, P.C.  
Brent O. Hatch  
Mark F. James

BOIES, SCHILLER & FLEXNER LLP  
Robert Silver, Esq. (admitted pro hac vice)  
Stephen N. Zack (admitted pro hac vice)  
Mark J. Heise (admitted pro hac vice)

*Attorneys for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

Plaintiff, The SCO Group, hereby certifies that a true and correct copy of **EX PARTE MOTION FOR LEAVE TO FILE OVER-LENGTH MEMORANDUM** was served on Defendant International Business Machines Corporation on this 26th day of August, 2004, by U.S. mail, postage prepaid to:

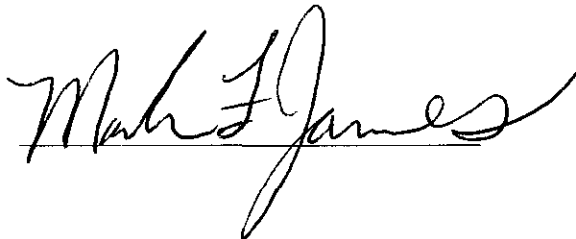
Alan L. Sullivan, Esq.  
Todd M. Shaughnessy, Esq.  
Snell & Wilmer L.L.P.  
15 West South Temple, Ste. 1200  
Gateway Tower West  
Salt Lake City, Utah 84101-1004

Copy to:

Evan R. Chesler, Esq.  
Cravath, Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019

Donald J. Rosenberg, Esq.  
1133 Westchester Avenue  
White Plains, New York 10604

*Attorneys for Defendant/Counterclaim Plaintiff IBM Corp.*

A handwritten signature in black ink, appearing to read "Mark F. James", written over a horizontal line.